

REMARKS / ARGUMENTS

In the above-mentioned, Final Office Action, all of the pending claims, claims 1, 4, 5, 7, 9-20, 22, 23, 27-32, 36, and 37, were rejected. The claims were rejected under Section 103(a) over the combination of Park, Ue, and Persson.

In the rejection of the independent claims, the Examiner acknowledged that Park fails to teach evaluation of a signal to noise ratio and fails to disclose a desired signal component value. The Examiner, however, relied upon Ue for showing the evaluating of a signal to noise ratio. The Examiner further acknowledged that neither Park nor Ue show a desired signal component value transmitted from a mobile station. The Examiner, however, relied upon Persson for showing the transmitting of a desired component signal to noise ratio value desired by a mobile station.

Responsive to the rejection of the claims, the independent claims, claims 1, 17, 36, and 37, have been amended, as set forth herein, in manners believed better to distinguish the invention of the present application over the cited combination of references.

With respect to exemplary claim 1, the claim has been amended, now to state that the desired preamble signal component signal-to-noise ratio desired by the mobile device is to optimize a network performance criteria based upon current network conditions. Others of the independent claims are analogously amended.

Support for the amendments is found in the disclosure, e.g., on page 4, lines 16-19 and lines 32-33.

The Applicants assert that none of the cited references disclose the methodology and structure recited in the independent claims, as now-presented. Accordingly, the Applicants traverse the Examiner's rejection of the claims.

Specifically, the Applicants traverse the Examiner's reliance upon either Park or Persson for showing transmission of a desired preamble signal component signal-to-noise ratio value for optimization of a network performance criteria based upon current network conditions.

While column 6, lines 13-15 of Park states that the mobile station measures the strength of a pilot signal there is no disclosure of a value for optimizing the network performance criteria based upon current network conditions. And, while the Examiner relied upon column 6, lines 60-column 7, lines 65 of Persson for transmitting a desired component signal to noise ratio value desired by the mobile station, review of this reference indicates that disclosure is limited to an establish SIR for a quality of service desired by a mobile station.

The Applicants assert that such disclosure is different than the optimization of a network performance criteria based upon current network conditions, recited in the claims, as now-presented. Column 4, lines 17-19 of the subject patent application indicate, e.g., that the optimization to the current network conditions include interference, fading, or unbalanced RF links for the intended mobile device. And, column 4, line 33-column 5, line 2 of the subject patent application refers to a lowest possible E/I value at which receivers can successfully acquire preamble with sufficiently high probability.

The third cited reference, Ue, was neither cited for showing, nor appears to show, this subject matter. Accordingly, the Applicants assert that no combination of the Park, Ue, and Persson can be made to form the invention, as now-recited in any of the independent claims.

The dependent claims include all of the recitations of their respective parent claims. These claims are believed to be patentably distinguishable over the cited combination for the same reasons as those just-given with respect to their parent claims.

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Accordingly, in light of the foregoing, independent claims 1, 17, 36, and 37, and the dependent claims dependent thereon, are believed to be in condition for allowance. Reexamination and reconsideration for allowance of the claims is, therefore, respectfully requested. Such early action is earnestly solicited.

Respectfully submitted,

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